

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

BUILDERS TRUST OF NEW MEXICO,  
an unincorporated association,

Plaintiff,

v.

CIV 09-0249 RB/GBW

THE RESOLUTION ASSURANCE GROUP,  
INC., an Illinois Corporation, and JOHN  
HOCHBAUM, JR., an individual,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The Magistrate Judge filed his Proposed Findings and Recommended Disposition on March 12, 2010. *Doc. 54*. The proposed findings notify the parties of their ability to file objections and that failure to do so within the required time frame waives appellate review. *See id.* at 25; *see also Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010). As with earlier orders and pleadings, service of the proposed findings was attempted at all known addresses for Defendants despite their failure to appear in this case. To date, neither party has filed any objections.


Wherefore,

**IT IS HEREBY ORDERED THAT:**

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 54*) is **ADOPTED**, Plaintiff's Motion for Default Judgement (*Doc. 7*) is **GRANTED**, and default judgment is entered against the Defendants in this case;
2. A permanent injunction is issued requiring the following: (a) Defendants The Resolution Assurance Group, Inc. and John Hochbaum, Jr. must transfer or assign the "builderstrust.biz" and "builderstrust.org" domain names, or any similar domain name, to Plaintiff Builders Trust of New Mexico;  
(b) Defendants The Resolution Assurance Group, Inc. and John Hochbaum, Jr. are prohibited from using the phrase "builders trust" in any future website address or on any website used for their business; and  
(c) Defendants The Resolution Assurance Group, Inc. and John Hochbaum, Jr. must request that all references (associated with any Defendant) to "Builders Trust," or any colorable imitation thereof, in business directories or lists distributed in New Mexico, including internet search engines, be deleted;
3. Plaintiff is awarded statutory damages in the amount of \$150,000.00 pursuant to 15 U.S.C. §§ 1117(c), 1117(d), and the New Mexico Unfair Practices Act;
4. Plaintiff is awarded attorneys fees and costs in the amount of \$44,063.16,

which represents actual fees and costs; and

5. Plaintiff is awarded post-judgment interest pursuant to 28 U.S.C. § 1961(a).

A handwritten signature in black ink, appearing to read "Robert J. Gault", is positioned above a horizontal line.

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UNITED STATES DISTRICT JUDGE